



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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2022 DEC 12 PM 3:30

Christopher Hiram, "Cano", Plaintiff,

vs.

City of New York, et al., Defendants

AFFIDAVIT IN SUPPORT OF MOTION TO
CONTINUE FEDERAL ACTION

19 CIV 1640 (LGS)
E+AL

I, Christopher Hiram Cano, being duly sworn, depose and state:

That I am the Plaintiff in the above entitled Federal action and seeks to continue this case for a Jury Trial by canceling the order to stay the proceedings pending a determination in Plaintiff's Mental Competency evaluation as Plaintiff Mental competency evaluation was determined on September 22, 2022. On September 22, 2022 the Plaintiff was found "Fit to Proceed" by the psychiatric examiners of Mid-Hudson Forensic Psychiatric Center and is waiting to be seen by the Bronx Supreme Court Judge to proceed with her cases to trial.

I am the Plaintiff in the above-entitled action, and am personally familiar with the facts and circumstances herein stated.

1. Plaintiff declares that the "stay" shall be lifted by reason of Plaintiff being found "Fit to Proceed" with her Criminal Cases, a release of Plaintiff's medical records to the honorable of this Court can find that the Plaintiff was found "Fit" to proceed with her cases for the third time on September 22, 2022.

2. Imprimis, Plaintiff moves to inform this Court inside this Motion to Continue this Federal Action against the City of New York and others that Plaintiff has open other actions against those who wrongfully and maliciously continued to order psychiatric examinations after Plaintiff was found "Fit" several times.

3. Plaintiff briefs this Court with the following:

(a.) By way of relevant background, on October 2, 2019 or around that date the Plaintiff was determined unfit to proceed with her case without a psychiatric examination, Plaintiff states



that the Same Psychiatric examiners who found her unfit on September 19, 2019 were the same Psychiatric examiners who found her Fit on her first requested examination by Judge J. Rodriguez III on March 26, 2019. However, Plaintiff was scheduled to be deposed by defendants at Manhattan Detention Complex on October 31, 2019 but unfortunately the Plaintiff was involuntarily admitted to M.H.F.P.C. on October 29, 2019.

(b) Moreover, after Plaintiff's involuntary admission, the defendants first issued their "Stay the Proceedings" on November 13, 2019 for three (3) months, once this stay was issued, all of Plaintiff's Federal lawsuits were put on stay and that includes 18 CV 11550 (VA), 21 CV 9165 (VA), 21 CV 7338 (LTS) and the Controlling Case herein 19 CV 1640 (LGS).

(c) On January 8, 2020 a Writ of Habeas Corpus was granted on Plaintiff's behalf by a Supreme Court Judge of Orange County, whereas Plaintiff was released from M.H.F.P.C. On February 18, 2020 to the New York City Dept. of Correction. The Bronx Court never issued a final determination as to Plaintiff's fitness they continued her case without a determination. Plaintiff did file a motion to continue but her motion was not acknowledged by this Court at all.

(d) On August 10, 2021 Psychiatric examiners found Plaintiff unfit to proceed without examining the Plaintiff and without the Bronx Court acknowledging the last fitness examination.

(e) On October 14, 2021 Plaintiff was involuntarily admitted to M.H.F.P.C. for the second time and she was found "Fit to Proceed" and released on November 2, 2021 to NYC Dept. of Correction. The Bronx Court also failed to acknowledge Plaintiff's fitness to proceed and they failed to render a final determination upon Plaintiff's fitness to proceed.

(f) Plaintiff's lawsuit 19 CV 1640 (LGS) and others has continued to be on stay since it was first issued on November 13, 2019 and the Bronx Court has not been cooperative, when Plaintiff's mental competency evaluation has reached several determinations of her being "Fit" to proceed with her cases, several times.

(g) On December 15, 2021 N.I.C. Officers and employees conspired together with Bellevue employees to have the Plaintiff retaliated transferred and involuntarily admitted to Bellevue Forensic Psychiatric Center without any Federal or State Court order, neither did the Plaintiff give these defendants a reason to involuntarily admit her to B.F.P.C. Plaintiff states that these defendants unlawfully admitted her to B.F.P.C. to conspire against her and her property. However, the N.I.C. - Bellevue conspiracy involuntary admission is pending to be investigated under Plaintiff's new Federal action.

(h) On July 20, 2022 Psychiatric examiners found Plaintiff unfit without examining the Plaintiff and without the Bronx Court acknowledging the second fitness examination. On August 4, 2022 Plaintiff was involuntarily admitted to M.H.F.P.C. for the third time and she was found "Fit to Proceed" on September 22, 2022 and was released on October 6, 2022 to the NYC Dept. of Correction.

W.E.M.O.'S



WORLD



W.E.M.O. Administration

(I.) On November 10, 2022 Bronx Supreme Court Judge R. Fabrizio acknowledged Plaintiff's fitness to proceed on the Court's record and scheduled the case for trial hearings.

4. Therefore, since there is no more challenges as to Plaintiff's fitness to proceed in her Criminal cases, Plaintiff do seeks to issue an order to continue all her Federal actions and lifting the Stay.

WHEREFORE, Petitioner respectfully petitions this Court to enter an ORDER lifting the Stay by GRANTING the Plaintiff's Motion to continue the Federal Action 19 CV 11640 (LGS) and others for a disposition to be had by both parties, if the defendants do not oppose the Motion to continue then this case shall proceed for further litigation granting the Plaintiff the relief sought in this matter.

★ Plaintiff attached to this motion a copy of the Fitness documentations.

Suborn To Before me This

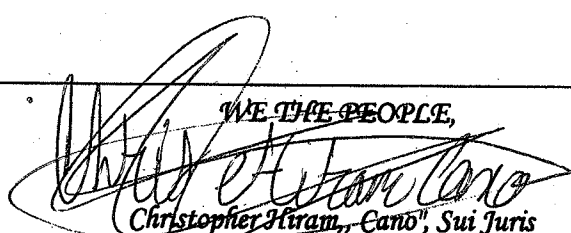
25 day of November, 2022


NOTARY PUBLIC

DERRICK FULTON
COMMISSIONER OF DEEDS CITY OF NEW YORK
BRONX COUNTY
LIC. # 0-03968
COMM. EXP. July 01, 2024

TRAPGODVERSION/2019

WE THE PEOPLE,


Christopher Hiram, Esq., Sui Juris

Private Attorney General

TrapGoDConstitutionalist

All Rights Reserved, Droit-Droit

1st Amendment "Under Protest" "Without Prejudice"

V.C.C. 1-308



* Enclosed herein are the Fitness documentations by the State Doctors who examined Plaintiff on her third admission. Which shows Plaintiff was found "Fit to proceed" and released on October 6, 2022.

Inpatient Discharge Summary/Service Plan Part 2

Facility Name: Mid-Hudson Psychiatric Center

Patient's Name: CANO, CHRISTOPHER State ID: 3214707
Case Number: 14308 Gender: Male
DOB: 08/28/1993
Admission Screening Date: 08/04/2022

Unit: 26 Building 2, Ward 26 SSU

Completed On: 10/05/2022

Completed By: Ulloa, Wendy B

24/7 Emergency Contact: Contact MD on call, 845-374-8700 ext. 0

Anticipated Discharge Date: 10/06/2022

Alerts

Active Date	Remove Date	Behavior Type	Behavior Description	Warning
08/04/2022		Legal Issues	Other Court/Legal - Other	No
10/14/2021		Legal Issues	Criminal Action - Active CPL Status	No
CPL 730.50 ORDER OF COMMITMENT				
10/29/2019		Legal Issues	Criminal Action - Active CPL Status	No
CPL 730.50 Order of Commitment				

Admission Reason**Reason for Admission**

730.50 ORDER OF COMMITMENT 1 YEAR

- | | | |
|---|--|---|
| <input type="checkbox"/> Danger to Self | <input type="checkbox"/> Psychotic Thinking | <input checked="" type="checkbox"/> Psychiatric assessment, intervention or stabilization |
| <input type="checkbox"/> Danger to Others | <input type="checkbox"/> Inability to safely care for self outside of hospital | <input checked="" type="checkbox"/> Court-ordered assessment or treatment |

Diagnosis**Principal Diagnosis**

DSM Code	F25.0	Description	Schizoaffective disorder, Bipolar type (P)
Diagnosis Date	09/23/2022	Diagnosing Staff	Yuan, Chujun
Status			

Follow-up Appointments**Mental Health**

Information in this section is additional to the Med Reconciliation.

Medications: Please refer to the Medication Reconciliation-Inpatient Physician's Medication Orders

Medications NOT to be taken post discharge: Please refer to the Physician's Discharge Summary Pt. 1

Inpatient Discharge Summary/Service Plan Part 2

Facility Name: Mid-Hudson Psychiatric Center

Patient's Name: CANO, CHRISTOPHER State ID: 3214707
Case Number: 14308 Gender: Male
DOB: 08/28/1993
Admission Screening Date: 08/04/2022

Unit: 26 Building 2, Ward 26 SSU

Service Provider: Rikers Island DOC
18-18 Hazen Street
East Elmhurst, NY 11370
718-546-1500

Appointment Date:**Other:** Not applicable**Appointment Date Unknown:** No**Not Applicable:** Yes

Reason Not Applicable: Patient has been found fit to proceed and is scheduled to be discharged back to Rikers Island on Thursday, 10/6/22 to await legal proceedings at Bronx Supreme Court.

Instructions: Patient has been found fit to proceed and is scheduled to be discharged back to Rikers Island on Thursday, 10/6/22 to await legal proceedings at Bronx Supreme Court.

Physical Health

Information in this section is additional to the Med Reconciliation.

Medications: Please refer to the Medication Reconciliation-Inpatient Physician's Medication Orders

Health Care Provider: Rikers Island DOC
18-18 Hazen Street
East Elmhurst, NY 11370
718-546-1500

Appointment Date:**Other:** Not applicable**Appointment Date Unknown:** No**Not Applicable:** Yes

Reason Not Applicable: Patient has been found fit to proceed and is scheduled to be discharged back to Rikers Island on Thursday, 10/6/22 to await legal proceedings at Bronx Supreme Court.

Instructions: Patient has been found fit to proceed and is scheduled to be discharged back to Rikers Island on Thursday, 10/6/22 to await legal proceedings at Bronx Supreme Court.

Community Supports**Residence Type:** Correctional Facility/Jail

Name/Address: Rikers Island DOC
18-18 Hazen Street
East Elmhurst, NY 11370
718-546-1500

Other: Not applicable**Receive Info On Services:** Yes**Refuse Placement:** No**Placement Failed:** No

★ Enclosed herein are the Fitness documentations by the State Doctors who examined Plaintiff on her second admission. These are the documents that the Bronx Court failed to disclose to this Court the second time Plaintiff was found "Fit to Proceed" and released on November 2, 2021.

Inpatient Discharge Summary/Service Plan Part 2

Facility Name: Mid-Hudson Psychiatric Center

Patient's Name: CANO, CHRISTOPHER

State ID: 3214707

Case Number: 14308

Gender: Male

DOB: 08/28/1993

Admission Screening Date: 10/14/2021

Unit: 21 BUILDING 2, WARD 21

Completed On: 10/31/2021

Completed By: Bonfiglio, Lisa

24/7 Emergency Contact: Dial 845-374-8700, Ext. 0, ask for MD on call

Anticipated Discharge Date: 11/02/2021

Alerts

Active Date	Remove Date	Behavior Type	Behavior Description	Warning
10/14/2021		Legal Issues	Criminal Action - Active CPL Status	No
CPL 730.50 ORDER OF COMMITMENT				
10/29/2019		Legal Issues	Criminal Action - Active CPL Status	No
CPL 730.50 Order of Commitment				

Admission Reason**Reason for Admission**

CPL 730.50 Order of Commitment

☐ Danger to Self☐ Psychotic Thinking☒ Psychiatric assessment, intervention or stabilization☐ Danger to Others☐ Inability to safely care for self outside of hospital☒ Court-ordered assessment or treatment**Diagnosis****Principal Diagnosis**

DSM Code	F29	Description	Unspecified schizophrenia spectrum and other psychotic disorder (P)
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Diagnosis Date: 11/01/2021

Diagnosing Staff: Maduekwe, Nnamdi

Status

Follow-up Appointments**Mental Health**

Information in this section is additional to the Med Reconciliation.

Medications: Please refer to Medication Reconciliation - Inpatient Physician's Orders

Medications NOT to be taken post discharge: Please refer to the physician's Discharge Summary Part 1

Inpatient Discharge Summary/Service Plan Part 2

Facility Name: Mid-Hudson Psychiatric Center

Patient's Name:	CANO, CHRISTOPHER	State ID:	3214707
Case Number:	14308	Gender:	Male
DOB:	08/28/1993		
Admission Screening Date:	10/14/2021		

Unit: 21 BUILDING 2, WARD 21

Service Provider: Patient will be discharged to Rikers Island/ NYC DOC on 11/2/21

Rikers Island
Anna M. Kross Center (AMKC)
18-18 Hazen Street
East Elmhurst, NY 11370
718-546-1500

Appointment Date:

Other: N/A

Appointment Date Unknown: No

Not Applicable: Yes

Reason Not Applicable: Patient Cano has been found fit and will be discharged to Rikers Island/NYC DOC on 11/2/21

Instructions: Patient Cano has been found fit and will receive healthcare at Rikers Island DOC on 11/2/21

Physical Health

Information in this section is additional to the Med Reconciliation.

Medications: Please refer to Medication Reconciliation - Inpatient Physician's Orders

Health Care Provider: Rikers Island
Anna M. Kross Center (AMKC)
18-18 Hazen Street
East Elmhurst, NY 11370
718-546-1500

Appointment Date:

Other:

Appointment Date Unknown: No

Not Applicable: Yes

Reason Not Applicable: Patient Cano has been found fit and will be discharged to Rikers Island/NYC DOC on 11/2/21

Instructions: Patient Cano has been found fit and will receive healthcare at Rikers Island DOC on 11/2/21

Community Supports

Residence Type: Correctional Facility/Jail

Name/Address: Rikers Island
Anna M. Kross Center (AMKC)
18-18 Hazen Street
East Elmhurst, NY 11370
718-546-1500

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Christopher Hiram Cano

(List the full name(s) of the plaintiff(s)/petitioner(s).)

19 CV 1640 (LGS)()

-against-

City of New York, et al.

NOTICE OF CHANGE OF
ADDRESS

(List the full name(s) of the defendant(s)/respondent(s).)

I hereby notify the Court that my address has changed to the following:

Cano, Christopher H.

Name (Last, First, MI)

09-09 Hazen Street, East Elmhurst,

Address

City

New York

State

11370

Zip Code

718-546-1500

Telephone Number

vakabon93@gmail.com

E-mail Address (if available)

October 16, 2022

Date

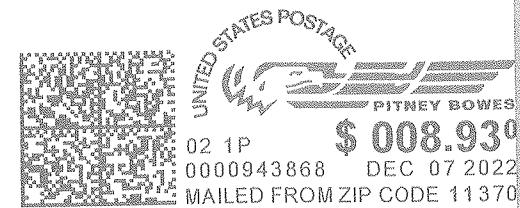
Signature

Christopher H. Cano 0027-308

Christopher Hiram, "Lano," TrafG10DConstitutionalist
B&C#8952200296tdcf
GRVC-Rikers Island
09-09 Hazen Street
East Elmhurst, NY 11370/Hdcf

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Laura Taylor Swain, Chief Judge
U.S. District Court Chief Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

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SDNY



Legal Confidential Correspondence